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\*E-filed 9/26/06\*

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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
12

13 UNITED STATES OF AMERICA,

No. 06-00633 JF

14 Plaintiff,

15 v.

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME

16 RAFAEL VALENCIA-ARAGON,

17 Defendant.

SAN JOSE VENUE

19  
20 On September 21, 2006, the parties in this case appeared before the Court for an arraignment.  
21 After the defendant was arraigned and entered a plea of not guilty, the parties requested that a  
22 status hearing be scheduled before Judge Fogel for October 25, 2006. Assistant Federal Public  
23 Defender Lara Vinnard explained to the Court that she was investing the defendant's case, and  
24 recently sent documents to an immigration lawyer for review. The parties then requested an  
25 exclusion of time under the Speedy Trial Act from September 21, 2006 to October 25, 2006. The  
26 defendant, through AFDV Vinnard, agreed to the exclusion. The undersigned parties agree and  
27 stipulate that an exclusion of time is appropriate based on the defendant's need for effective  
28 preparation of counsel.

1 SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

2  
3 DATED: \_\_\_\_\_

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

5 DATED: \_\_\_\_\_

/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

8  
9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
10 under the Speedy Trial Act from September 21, 2006 until October 25, 2006. The Court finds,  
11 based on the aforementioned reasons, that the ends of justice served by granting the requested  
12 continuance outweigh the best interest of the public and the defendant in a speedy trial. The  
13 failure to grant the requested continuance would deny defense counsel reasonable time necessary  
14 for effective preparation, taking into account the exercise of due diligence, and would result in a  
15 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made  
16 under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

18  
19 DATED: 6/26/06 \_\_\_\_\_

  
HOWARD R. LLOYD  
United States Magistrate Judge